THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 923 of 2007

24-04-2007

Between:-

B. Satyanarayana

Petitioner

And

The Joint Collector-I,
Ranga Reddy district and two others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No.923 of 2007

Oral order:

The writ petition is misconceived.

The petitioner was granted authorization under the provisions of the Andhra Pradesh Scheduled Commodities (Regulation of Distribution by Card System) Order, 1973 (for short 'the 1973 Control Order') to run a fair price shop in Dhoolapalli village of Qutubullapur mandal, Ranga Reddy district about twenty (20) years ago and since then he is running the shop. The 1973 Control Order has been replaced by the Andhra Prdesh State Public Distribution System (Control) Order, 2001 (for short 'the 2001 Control Order') which is in operation currently. The petitioner's authorization has also been renewed under the 2001Control Order.

While so and during the currency of his authorization, the second respondent issued a show cause notice dated 29-09-2006 informing that as the petitioner is holding the post of President of the Primary Agricultural Co-operative Society, Doolapally village of Quthubullapur mandal, grant of authorization to him is in contravention of the orders in G.O.Ms.No.53 Consumer Affairs, Food and Civil Supplies (C.B.I) Department dated 06-10-2003 and why action be not taken for violation of the orders.

After due process, by the order dated 24-10-2006 the petitioner's authorization was cancelled by the second respondent on the ground that he was ineligible for grant or renewal of the authorization to run a fair price shop in view of the orders in G.O.Ms.No. 53 (supra) whereby persons holding specified elective offices including that of President, Primary Agricultural Co-operative Society are ineligible for grant or renewal of authorization.

Aggrieved by the order dated 29-09-2006 of the second respondent, the petitioner preferred an appeal to the first respondent along with an application for interim relief. As no interim relief was granted by the first respondent, the petitioner states to have filed W.P.No.22931 of 2006 before this Court which was disposed of at the stage of admission by an order dated 08-12-2006 directing the first respondent to dispose of the appeal within the stipulated time and during the pendency

of the appeal, permitting the petitioner to run the fair price shop. Eventually however by the order dated 28-12-2006 the first respondent dismissed the appeal of the petitioner and confirmed the order of the second respondent dated 24-10-2006.

The petitioner has a revisional remedy to the District Collector under Clause 21 (1) of the 2001 Control Order.

In the context of the availability of a revisional remedy, this Court is not inclined to consider the challenge to the order canceling his authorization or the appellate order confirming the cancellation. The writ petition is accordingly dismissed. The petitioner may prefer a revision to the Collector, Ranga Reddy district under Clause 21 (1) of 2001 Control Order within seven (7) days from the date of receipt of a copy of this order; and if the revision is filed within the aforesaid time, the District Collector, Ranga Reddy shall entertain the revision and adjudicate upon the same on merits. Nothing in this order shall be construed as an expression by this Court on the merits of the petitioner's case. The interim order dated 11-01-2007 granted in this writ petition stands dissolved. No costs.

GODA RAGHURAM, J

Dated:24-04-2007

Pvks/*

Nb:- Furnish c.c. in three days.
B/0 pvks/*